

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DAMIAN WIRTH,

Plaintiff,

-VS-

MERCANTILE ADJUSTMENT BUREAU, LLC,

Defendant.

**STIPULATION OF
DISCONTINUANCE WITH
PREJUDICE AND ON
THE MERITS**

Civil Action No. 1:09-cv-6648

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for the Plaintiff and Defendant in the above-entitled action, that whereas neither the Plaintiff nor the Defendant is an infant or incompetent person for whom a committee has been appointed and no person not a party hereto has an interest in the subject matter of the action, the above-entitled action be, and hereby is, dismissed with prejudice and on the merits, without costs or fees to either Plaintiff or Defendant as against the other. In accordance with Fed. R. Civ. P. 41(a)(1)(ii) and Rule 2104 of the NY C.P.L.R., it is stated that the terms of this Stipulation involve a full settlement of any and all claims, counterclaims, cross-claims, and third-party claims for good and mutual consideration exchanged among the parties, including mutual releases. This Stipulation may be filed without further notice with the Clerk of the Court.

DATED: ~~February~~ ^{March} 15, 2010

DATED: ~~February~~ ^{March} 16, 2010

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